



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
JIHONG LIANG  
DILIP MAGANLAL SHAH  
YONNIE S. WU  
CINDY A. ROSENBERGER  
SALIM HAKIMI

Group Art Unit: 1638

Examiner: To be Assigned

Atty. Dkt. No.: MOBT:193--2/DOS  
11899.0193.DVUS02

Serial No.: 10/010,731

Filed: November 13, 2001

For: ANTIFUNGAL POLYPEPTIDE FROM  
ALFALFA AND METHODS FOR  
CONTROLLING PLANT PATHOGENIC  
FUNGI

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

**BOX MISSING PARTS**

Commissioner for Patents

Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts Commissioner for Patents, Washington, DC 20231, on the date below:	
April 22, 2002 Date	<i>Ken Galy</i> Signature

In response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(b), dated February 21, 2002, there are enclosed herewith:

- (a) A copy of Notice to File Missing Parts of Application-Filing Date Granted;
- (b) Transmittal for Drawing sheets and Substitute drawing sheets (Figures 1-10) in compliance with 37 CFR § 1.84;
- (c) Clean and Marked-up copies of Figures 1 and 3 as originally filed

- (d) A copy of Filing Receipt with the desired correction indicated;
- (e) IDS and Form 1449
- (f) Return postcard

### Remarks

Please note that included among the documents listed above is a copy of the Filing Receipt. Please make the indicated correction (*i.e.* correct the Assignee for Published Patent Application to "Monsanto Technology LLC") prior to issuing the updated Filing Receipt. The assignment of parent application Serial No. 09/003,198 to Monsanto Technology LLC was recorded on December 12, 2001 at Reel No. 012350, Frame 0224.

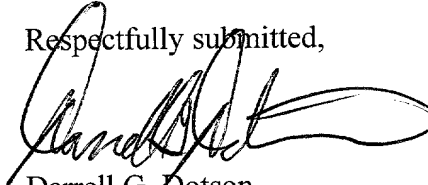
Substitute drawings (Figures 1-10) in compliance with 37 C.F.R. 1.84 are enclosed. Figures 1-10 were previously approved in parent application Serial No. 09/003,198. Minor changes to original figure 1 have been made to correct typographic errors. Specifically, the original informal figure 1 contained 2 errors in the amino acid sequence of AlfAFP1 that confused its sequence with that of AlfAFP2. In addition, an error in the nucleotide sequence of AlfAFP1 in figure 1 is corrected. Figure 3 as originally filed contained one nucleotide sequence error in the listed AlfAFP1 sequence, at position 2. Clean and marked up copies illustrating the changes made in informal figures 1 and 3 as originally filed are enclosed for the convenience of the Examiner. Support for this amendment may be found in the specification at figure 2, figure 3, and SEQ ID NO:6 and SEQ ID NO:10. No new matter is added by this amendment.

The Commissioner is authorized to charge the filing fee (\$740.00) and late filing fee surcharge as set forth in 37 CFR § 1.16 (i) (\$130.00) to deposit account 01-2508/11899.0193.DVUS02. If any additional fees under 37 C.F.R. §§ 1.16 to 1.21 are required

for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11899.0193.DVUS02.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Darrell G. Dotson

Reg. No. 44,661

ATTORNEY FOR ASSIGNEE  
MONSANTO TECHNOLOGY LLC

HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Dr.  
Houston, Texas 77057  
(713) 787-1400

Date:

4/22/02



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:  
JIHONG LIANG  
DILIP MAGANLAL SHAH  
YONNIE S. WU  
CINDY A. ROSENBERGER  
SALIM HAKIMI

Group Art Unit: 1638

Examiner: to be assigned

Atty. Dkt. No.: MOBT:193--2/DOS  
11899.0193.DVUS02

Serial No.: 10/010,731


Filed: November 13, 2001

For: "ANTIFUNGAL POLYPEPTIDE FROM  
ALFALFA AND METHODS FOR  
CONTROLLING PLANT PATHOGENIC  
FUNGI"

Client File No.: 38-21(13511)D

The Commissioner for Patents  
Washington, D.C. 20231

Attn: Official Draftperson

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Attention: Official Draftperson, Commissioner for Patents, Washington, D.C. 20231, on the date below:	
Date April 22, 2002	 Signature

**TRANSMITTAL OF FORMAL DRAWINGS AND  
REQUEST FOR APPROVAL OF DRAWING CHANGES**

Sir/Madam:

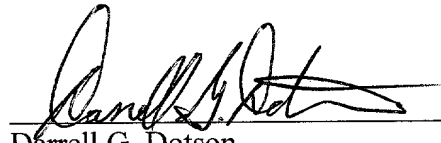
1. To correct the informalities in the drawings as noted in the Notice to File Missing Parts, applicant submits herewith one set (10 pages) of formal drawings for this application.
2. The two month period of response set in the Notice to File Missing Parts expires on April 22, 2001. This submission is on or before this expiry date.

3. The Commissioner is authorized to charge the deposit account of Howrey Simon Arnold & White, Account No. 01-2508/11899.0193.DVUS2, for any deficiencies in connection with the transmittal of these formal drawings.

Respectfully submitted,

Date: April 22, 2002

HOWREY SIMON ARNOLD & WHITE L.L.P.  
750 Bering Drive  
Houston, Texas 77057  
(713) 787-1400 Telephone  
(713) 787-1440 Facsimile



Darrell G. Dotson  
Reg. No. 44,661  
ATTORNEY FOR ASSIGNEE  
MONSANTO TECHNOLOGY LLC



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/010,731	11/13/2001	Jihong Liang	MOBT:193--2

CONFIRMATION NO. 4312

## FORMALITIES LETTER



\*OC000000007505209\*

Elizabeth Graf  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, TX 77057-2198

Date Mailed: 02/21/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 870.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

04/29/2002 NMOHAMM1 00000039 012508 10010731

01 FC:101 740.00 CH  
02 FC:105 130.00 CH

*A copy of this notice **MUST** be returned with the reply.*

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

[illegible]